

**NEVADA STATE EMERGENCY RESPONSE COMMISSION
LEPC HANDBOOK
(REVISED 2/98)**

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INTRODUCTION

The Emergency Planning and Community Right-to-Know Act (EPCRA, referred to here as "the Act") is a stand alone law passed in 1986 as a part of the Superfund Amendment and Reauthorization Act (SARA) and is found as SARA Title III.

Congress intended it to improve state and local planning and response capabilities to react to hazardous materials emergencies and to provide access to information about hazardous materials to the public. A quick overview of substantive provision of the Act:

- Emergency Planning (Sections 301 to 303)
- Emergency Release Notification (Section 304)
- Community Right-to-Know Reporting (Sections 311 and 312)
- Toxic Chemical Release Inventory Reporting (Section 313)
- Enforcement Procedural Provisions (Sections 109, 325 and 326)

The Act requires states to establish State Emergency Response Commissions (SERC) to "supervise and coordinate" the activities of local emergency planning committees (LEPC).

In Nevada, the governor appoints up to 25 members to the SERC, representing the multiple emergency response activities required by the law. The SERC meets every quarter to conduct its business.

The SERC established LEPCs in each of Nevada's counties. The purpose of this structure is to:

1. Simplify and accomplish comprehensive emergency response planning for hazardous materials incidents, accidents, or releases. Involve state and local governments, and private industries in developing and exercising emergency plans.
2. Manage reports of hazardous materials manufacture, use and transportation within the state. The filing and reporting fees required by state law provide the resources for the LEPCs to conduct planning and prepare response capabilities in an event of a hazardous material emergency.
3. Maintain an information repository on hazardous materials stored, manufactured, transported or used in the state. This data base is maintained on the highway patrol's mainframe computer in Carson City, available to all. The system is called Hazardous Material/Substance Tracking System (HAMSTRS), and contains information on all permitted facilities in the State.
4. Provide residents access to information concerning hazardous materials under the Community Right-to-Know portion of the law.
5. Improve public safety capabilities to respond and deal with hazardous materials impact on our activities and environment.

The SERC is specifically charged with the law to oversee State implementation of EPCRA (SARA Title III). Besides managing the distribution of grants from the fees collected by the State, the SERC must review and make recommendation regarding Hazardous Materials emergency response plans prepared by the LEPCs.

The SERC developed five standing committees to accomplish its tasks:

- The Funding Committee
- The Planning and Training Subcommittee
- The Bylaws Committee
- The Legislative Committee
- The EPCRA Compliance Committee

Each committee chair reports a summary of the committee's activities to the SERC during its quarterly meetings.

LEPC STRUCTURE AND RESPONSIBILITIES

Each LEPC shall include (as required in the Act), as a minimum, representatives from each of the following groups or organizations:

- Elected state and local officials
- Law Enforcement
- Civil defense
- Firefighters
- First aid, health and hospitals
- Transportation personnel
- Broadcast and print media
- Community groups
- Owners and operators of facilities subject to the requirements of the subtitle.

The SERC has established minimal LEPC compliance criteria. In order to be eligible for receipt of grant funds, an active LEPC status must be maintained as follows:

- Maintenance of an active membership as indicated above.
- Conduct regularly scheduled meetings.
- Provide quarterly reports of expenditures to the Commission.
- Development and maintenance of a current hazardous materials emergency operations plan including:
 - Covered facilities, transportation routes, and facilities at risk.
 - Responsible personnel

- Notification procedures
- Methods for estimating releases and areas likely to be affected
- All elements of NRT-1
- Emergency equipment and facilities

PLANNING

The LEPC must update the Haz-Mat Emergency Response Plan annually, and the SERC must review and make recommendations concerning the plan. The haz-mat plan may be an annex to the all-hazards plan, or a stand alone operations directive. The SERC is the mechanism for providing resources to "develop, implement and exercise the emergency plan." Each plan must include:

- Evacuation plans
- Training
- Exercises

The plan must cover facilities that have present one or more "extremely hazardous substances" in amounts exceeding the "threshold planning quantities" (TPQ). The Act lists those materials that require specific planning.

The SERC has tasked the Planning and Training subcommittee (under the Funding committee) to review the LEPC plans. This committee is using the elements listed above (drawn from the Act) to make recommendations to the LEPCs.

The SERC has specified that LEPC plans should be reviewed and updated by July 31 each year, so that the recommendations returned to LEPCs may be completed by the third calendar quarter. The federal publication NRT-1 contains specific recommendations on how each of the required planning elements should be addressed.

One objective of the emergency response structure described above is the development of joint comprehensive planning that includes the owners/operators of facilities covered by the Act. The partnership implied and required among state, local governments, the industries operating in our communities, and resident of the communities in which they reside, cannot be understated.

Each phase of emergency response, from discovery and notification to recovery and site remediation involves each group in critical ways that must be addressed in comprehensive and effective plans.

"Boilerplate" plans which the LEPC "fills in the blanks" represent the lowest level of acceptable planning. To make a plan viable and usable, the "boilerplate" must be localized with concepts and resource commitment that make sense in the planning community.

The planning review process structured by the SERC is the mechanism SERC/LEPC uses to insure the planning process is a continual updating and revising process, subject to continual review and comments by responders, and also exclamation of the authority extending from the county commission.

The objective of this lengthy process is obvious: to improve the planning levels in local jurisdictions, communities and regions and to maintain an awareness of available resources and employment methods and policies.

Nevada experiences more than 100 hazardous materials incidents each year (source: NDEM Incident Report summary, Jan-Dec. '94). Local emergency response agencies react and deal with these emergencies, which makes the need for effective planning even more apparent.

Exercise of these plans is crucial to the updating process described in the law. Exercises may range in scope from subcommittee planning reviews involving selected emergency responders to full-scale, coordinated field simulations involving many activities. In order to fulfill the compliance requirements of the Act, schedules of planned exercises must be developed and included as part of the emergency response planning activity.

EXERCISES

Section 3-3(b) of the Act requires the LEPC to evaluate "the need for resources necessary to develop, implement, and exercise the emergency plan . . ." Exercises are most effective way to continue the planning process.

Exercises can be a "table-top" discussion of an incident scenario among emergency responders or emergency operations center personnel. Exercised can also be full-fledged field exercised, in which emergency responder react to incident simulations in "real-time."

In each case, the objective of the drills or exercises is to test and evaluate the appropriateness, adequacy, and effectiveness of the local emergency plan. The participants in any exercise should be carefully briefed before the exercise on the objectives of the exercise, the expected outcomes, ground rules exceptions and exemptions, the scenario and timing of events, and a critique or post-exercise meeting.

No-notice exercises should be avoided, as the benefits to be gained by carefully orchestrated an planned exercises far outweigh those expected from no-notice drills.

Senior representatives of the agencies to be exercised must be aware of the scenario, and of critical objectives or preplanned exceptions or exemptions that we must make in the interest of public safety. For example, ambulances and fire vehicles responding to exercises should not exceed safe and prudent speed limits - for obvious reasons.

High cost resources, such as medical packs or IV's or high cost coveralls should not be consumed unless required to meet specific exercise objectives. Similarly, simulated patients should not be subjected to injections or IVs during the exercises.

These issues must be discussed in the exercise planning sessions well in advance, and the evaluators thoroughly briefed to prevent such waste by telling the participants about the ground rules during the response. The evaluators must be able to stop any unsafe act during the exercise, and should be charged with this responsibility during the pre-exercise briefings.

Some obvious ground rules must be observed:

1. The exercise will terminate if a real emergency occurs during the exercise.
2. Safety of the public, the responders and the simulated "casualties" must take precedence over all other exercise considerations and actions. Any participant has the authority and the responsibility to stop the exercise if an unsafe act or condition is observed.
3. Any observation that may improve the emergency response or the planning for actual response is welcome in the exercise critique following the exercise.

There are numerous agencies in the State and Local governments around Nevada with expertise in building exercises that may be of assistance during exercises. The Commission staff can assist in coordinating this kind of support for LEPCs. There may be funding available for exercises.

The Act levies specific actions and requirements on Governmental entities through the SERC and LEPCs. These requirements are not nearly as constraining or demanding as those that impact on owners or operators of facilities whose activities involve hazardous materials.

The Act specifies what kinds or releases and quantities (reportable quantities or RQ's) require notification, threshold planning quantities and to whom reports and notification is required. The provision of the Act heavily impacts industry, and is required to comply with reports of releases to the groups represented in the LEPCs and the SERC.

Along with these reporting requirements are fees required by state law, which are used, as mentioned earlier, to defray some costs of local compliance with planning equipping and training local activities to implement the plans.

GRANT PROCEDURES

The SERC has established a means for managing grants to LEPCs from these resources. The SERC has adopted specific requirements for grant applications and expenditure reporting. The Funding committee reviews and promulgate rules and grant procedures that the SERC staff administers. There are four funding sources available to LEPCs. The Operations grants are intended to support the operations of the LEPCs.

By SERC direction, these grants are intended to maintain an amount of \$2,000 per year. LEPCs that have not expended the funds by the end of the fiscal year will be reimbursed only that amount totaling \$2000 for the next fiscal year.

The Equipment and Training grants are administered by request. LEPCs may request up to \$25,000 from this fund to purchase equipment and training for support of hazardous materials incident response plans.

Grants from the department of transportation are available from Hazardous Materials Emergency Preparedness. These grants are explicitly provided for planning and training public safety activities to deal with transportation incidents involving hazardous materials.

Also, the SERC passes funding from the Federal Emergency Management Agency for planning and training through to LEPCs.

GRANTS

Grants may be made to any eligible LEPC or state agency to further the response capabilities to hazardous materials incidents. As state above, the purpose of such funding is to train, equip, or improve local planning for such contingencies. The flow of grant requests from inception to expenditure is as follows:

1. Grant requests must be submitted to the SERC staff in appropriate format.
2. As a minimum, the request must contain line item expenditure requests and a time frame for expected disbursement.

Expected objectives of the expenditures must be stated in quantifiable terms. Expected accomplishments must be stated in terms of measurable progress.

3. The Funding Committee, a standing committee of the SERC, will review grant requests for disposition.

4. As single grant request is limited to \$25,000.
5. Grant requests must support state or local emergency response plans and must relate to the risk analysis contained in the plans.
6. Reports of expenditures must meet appropriate fiduciary requirements. Local accounting and auditing procedures must be followed where specifically required. Quarterly reports to the SERC will indicate expenditures and contain copies of the receipts.

A narrative of expenditures and progress will accompany the quarterly reports. The SERC staff may request specific report formats and may provide forms to meet requirements of the granting agencies or activities.

7. The SERC may suspend disbursement of grants or require reimbursement of funds if the grantee fails to meet eligibility requirements or to meet stated grant goals and objectives.
8. SERC expenditures may be audited once each year.

(NOTE: Although these grant administration procedures appear inflexible, the SERC must meet certain fiduciary responsibilities. Grantees may modify and amend grant requests as necessary to meet the stated goals and objectives of their projects.

Communication of these changes or intents will facilitate the SERC objectives of assisting the "partnership of equals" in dealing with hazardous materials planning, training and equipage.)

The SERC staff is dedicated to supporting the goals and objectives of the State Emergency Response Commission, which includes supporting Local Emergency Planning committees. State Agencies represented on the SERC have numerous resources and skills that may benefit LEPC in many ways. In many cases, the only criterion for receiving assistance in solving a particularly "thorny" problem is to ask.

LEPC REPORTS

SERC staff uses a format designed to make the reporting of expenditures of various grant funds easier for LEPC chairpersons. It is designed to provide information on figures to the SERC staff, who will enter the figures into the spreadsheet (Quattro Pro for Windows) and update the SERC records.

Please enter the correct data, attach the appropriate invoices and receipts (copies are acceptable), sign the form and return it to the SERC staff each quarter. (If you use Quattro Pro for Windows, contact the SERC staff for a diskette containing the formatted spreadsheet.)

You do not have to type in the information, as the master you provide (with signature- for audit purposes) will be kept on file and the figures entered into the spreadsheet and an updated copy returned for your records.

The spreadsheet will be used to prepare an annual report of grant fund expenditures and project progress for the SERC that will be presented at the last fiscal quarter meeting.

The goal of this method is to simplify reporting. If you, as LEPC chairperson, have recommendations on format or procedure changes that will meet this goal, please advise the SERC staff so that the changes may be incorporated. Keep in mind those fiduciary responsibilities of the LEPC and the SERC must be well served by accurate and timely expenditure recording and reporting.

FEDERAL FACILITIES AND GOVERNMENT CONTRACTORS

In October of 1993, the US EPA prepared instructions for Federal facilities on how to comply with SARA Title III. This was in response to an Executive Order placing all Federal facilities and contractors operating on the facilities notice that they, like industry, must comply with the federal and state regulations concerning hazardous materials.

This mandate has some interesting implications for Nevada LEPCs with Federal Facilities falling under SARA Title III should incorporate their emergency coordinator into the committee. Secondly, the planning for emergency responses should include the resources available on the facilities, either federally owned, or contractor operated.

Another issue is the filing and reporting fees that are already mandated for industry. In some areas, federal facilities are already paying their way, as are industries in the LEPC area. This may be an additional source of revenue for the SERC and LEPC organizations, which the SERC will consider at a future meeting. First, the number and nature of the facilities and their manufacture, storage, use and transportation of hazardous materials must be determined.

Once this study is completed, the SERC will review the report and take actions on its conclusions. LEPCs can help by identifying these facilities, and the emergency coordinator (name and telephone numbers) to the SERC staff. Asking the emergency coordinator for a Tier II report may gain additional information.

Once this information is obtained, comprehensive planning and fee structures may be applied to the facility to comply with the executive order.

WORKSHOPS

The SERC sponsors periodic workshops involving state agencies with specific expertise to support public safety on the local level. These workshops are arranged at the convenience of the LEPC.

Agendas for the workshops are coordinated on a county-by-county basis, and generally come from a shopping list of subject matter circulated from various state agencies to the LEPC. The LEPC selects the subjects to be addressed during the workshop, and advises the SERC staff of their desires.

The SERC staffs coordinate the schedules of the various state agency representatives, arrange the logistics of the workshop according to the schedule of the LEPC, and insure that the workshops are conducted as scheduled.

These workshops are the forum for discussion of LEPC planning issues, fund administration issues, and coordination discussions involving state agencies. In the past, these workshops have been very successful in helping LEPCs with their activities. It is the goal of the SERC to continue this successful program.

If you, as LEPC chairpersons have specific requests, please contact the SERC staff to arrange and schedule a workshop.